

BEST AVAILABLE COPY

FEB-27-2006 15:51

303 297 2266

303 297 2266 P.08

REMARKS

Claims 1-19 were pending and rejected. Claims 1, 5, 10, and 19 have been amended herein. Claims 4, 7, 13, and 16 have been cancelled herein. Reconsideration of the rejections of all claims is requested.

I. Rejection of Claims 1-3, 8-12, and 17-19 Under 35 U.S.C. §103(a)

Claims 1-3, 8-12, and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable by Godlew (U.S. 5,377,196) in view of Kaffine (6,654,914).

Claim 1 was amended to include the limitations of claim 4, which was rejected on different grounds than claim 1. Therefore, the rejection of claim 1 and the claims depending therefrom is addressed with reference to the rejection of claim 4.

Claim 10, which is independent, was amended to include the limitations of claim 13, which was rejected on different grounds than claim 10. Therefore, the rejection of claim 10 and the claims depending therefrom is addressed with reference to the rejection of claim 13.

Claim 19, which is also independent, was amended to include the limitations of claim 4, which was rejected on different grounds than claim 19. Therefore, the rejection of claim 19 is addressed with reference to the rejection of claim 4.

II. Rejection of Claims 4, 6, 7, 13, 15, and 16 Under 35 U.S.C. §103(a)

Claims 4, 6, 7, 13, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Godlew and Kaffine, in view of Sin (U.S. Pub 2002/0051464).

CLAIM 4

As set forth above, the elements of claim 4 have been incorporated into claim 1, which is reprinted as follows for convenience:

Docket No: 10006627-2

6

BEST AVAILABLE COPY

FEB-27-2006 15:51

303 297 2266

303 297 2266

P.09

A method for monitoring the status of an electronic network, said method comprising:

executing a first program a plurality of times on at least one portion of said electronic network, wherein said first program measures a parameter of said network;

receiving first data resulting from the execution of said first program;

analyzing said first data, wherein if the difference of said at least two measurements exceeds a preselected amount, said at least one portion of said network is not operating within a preselected specification;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

receiving second data resulting from the execution of said second program; and

analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.

Some portions of claim 1 that are not disclosed by aforementioned combination have been printed above in bold type.

Claim 1 recites executing the first program a plurality of times. The analysis of claim 1 includes analyzing the difference of two measurements that result from executing the first program. If the difference in the two measurements exceeds a preselected amount, the network is not operating within a preselected specification.

The office action does not address the above-described elements of claim 1, which were included in claim 4 prior to this response. Upon review of the references, the applicants have not found these elements of claim 1. Thus, the applicants contend that the references taken individually or in combination cannot

BEST AVAILABLE COPY

FEB-27-2006 15:51

303 297 2266

303 297 2266

P.10

render claim 1 (or claim 4) obvious. The same applies to all claims depending from claim 1.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIM 13

As set forth above, the elements of claim 13 have been incorporated into claim 10, which is reprinted as follows for convenience:

A device for evaluating the operational status of an electronic network, said device comprising a computer operatively connected to said network, said computer comprising a computer-readable medium having instructions for operating said computer and evaluating said network by:

executing a first program a plurality of times on at least one portion of said electronic network, wherein said first program measures a parameter or said network;

receiving first data resulting from the execution of said first program;

analyzing said first data, wherein if the difference of said at least two measurements exceeds a preselected amount, said at least one portion of said network is not operating within a preselected specification;

executing a second program on said at least one portion of said electronic network if the analysis of said first data indicates that said at least one portion of said electronic network is not operating within said preselected specification;

receiving second data resulting from the execution of said second program; and

analyzing said first data and second data to determine the cause of said at least one portion of said network not operating within said preselected specification.

Docket No: 10006627-2

BEST AVAILABLE COPY

FEB-27-2006 15:52

303 297 2266

303 297 2266

P.11

Some portions of claim 10 (or claim 13) that are not disclosed by aforementioned combination have been printed above in bold type.

Claim 13, which includes the elements of claims 10 and 13 was rejected on the same grounds as claim 4. Accordingly, the applicants incorporate the rebuttals to the rejections of claim 4 into this rebuttal. More specifically, that the references taken individually or in combination do not disclose the aforementioned elements of claim 10 and cannot render claim 10 (or claim 13) obvious. The same applies to all claims depending from claim 10.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIM 19

Claim 19 is independent and has been amended to include the elements of claim 4. Claim 19, as amended herein, is printed as follows for convenience:

A device for monitoring the status of an electronic network, said device comprising:

first diagnostic means for executing a first diagnostic program a plurality of times on at least one portion of said electronic network, said first diagnostic program generating first measurements representative of the status of said at least one portion of said electronic network;

first analysis means for analyzing said first data, wherein if the difference of at least two measurements exceeds a preselected amount, said at least one portion of said network is not operating within a preselected specification;

second diagnostic means for executing a second diagnostic program on at least one portion of said electronic network if said first analysis means determines that said at least one portion of said electronic network is not operating within a preselected specification, said

FEB-27-2006 15:52

303 297 2266

303 297 2266

P.12

second diagnostic program generating second data representative of the status of said at least one portion of said network; and

second analysis means for analyzing said first data and said second data, said second analysis means generating an indication representative of the cause of said at least one portion of said electronic network not operating within said preselected specification.

Some portions of claim 19 (or claim 4) that are not disclosed by aforementioned combination have been printed above in bold type.

Claim 19 now includes the elements of claims 19 and 4. Accordingly, the applicants incorporate the rebuttals to the rejections of claim 4 into this rebuttal. More specifically, that the references taken individually or in combination do not disclose the aforementioned elements of claim 19 and cannot render claim 19 (or claim 4) obvious

Based on the foregoing, the applicants request reconsideration of the rejection.

In view of the foregoing, the claims are in condition for allowance and a notice of allowance is requested.

Dated: February 27, 2006

Respectfully submitted,

KLAAS, LAW, O'MEARA & MALKIN, P.C.

By:

Robert W. Nelson
Robert W. Nelson
Registration No. 37,898
1999 Broadway, Suite 2225
Denver, CO 80202
(303) 298-9888
Fax: (303) 297-2266

Docket No: 10006627-2

10